



Paper No. 4

LEYDIG VOIT & MAYER, LTD  
700 THIRTEENTH ST., NW  
SUITE 300  
WASHINGTON, DC 20005

**COPY MAILED**

**JAN 22 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Alfred Wing Kin Chan :  
Application No. 09/982,993 :  
Filed: October 22, 2001 :  
Attorney Docket No. 401432 :

ON PETITION

This is a decision on the papers styled "Petition To Accord Filing Date and Request For Refund" filed on December 6, 2001, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of October 22, 2001, including the specification.

The application was filed on October 22, 2001. However, on November 26, 2001, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" that stated the application had not been accorded a filing date, and that the specification is missing.


In response, on December 6, 2001, the instant petition, a copy of the specification (six (6) pages), claims (one (1) page) and abstract (one (1) page) were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of six (6) pages of specification, the abstract and one (1) page of claims on October 22, 2001. A review of the application file confirms that the specification is missing. The review also indicates the one (1) page of claims and the abstract are also missing. It is assumed that the specification, claims and abstract were misplaced by the Office and that the application was complete for filing date purposes as filed on October 22, 2001.

In view of the above, the petition is granted.

The \$130.00 petition fee submitted on December 6, 2001 has been refunded to deposit account no. 12-1216.

This application will be returned to OIPE for further processing with a filing date of October 22, 2001, using the copy of the specification, claims and abstract supplied on December 6, 2001.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy